

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA
ex rel., YNKDY-2,
STATE OF NEW YORK
ex rel., YNKDY-2,
STATE OF NEW JERSEY
ex rel., YNKDY-2,

FILED UNDER SEAL

Civil Action No. 16-CV-1090

Plaintiffs,

(Garaufis, J.)

- against -

SHIEL MEDICAL LABORATORY, *et al.*,

Defendants.

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UNITED STATES OF AMERICA,
STATE OF NEW JERSEY,
STATE OF NEW YORK, and
STATE OF CONNECTICUT,
ex. rel. John Doe,

Civil Action No. 17-CV-2732

Plaintiffs,

(Garaufis, J.)

- against -

SHIEL HOLDINGS LLC, *et al.*,

Defendants.

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**THE GOVERNMENT’S NOTICE OF ELECTION TO
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in these actions.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows a relator to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General

give written consent to the dismissal and their reasons for consenting.” 31 U.S.C. § 3730(b)(1). Therefore, the United States requests that, should either relators or the defendants propose that these actions be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in these actions be served upon the United States; the United States also requests that orders issued by the Court be sent to the United States’ counsel. The United States reserves its right to order any deposition transcripts, to intervene in these actions, for good cause, at a later date, and to seek the dismissal of the relators’ actions or claims. The United States also requests that it be served with all notices of appeal.

Finally, the United States requests that the Complaints, this Notice, and the attached proposed Order, be unsealed. The United States requests that all other papers on file in these actions remain under seal because in discussing the content and extent of the United States’ investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Dated: Brooklyn, New York
June 9, 2022

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